

DECLARATION AND POWER OF ATTORNEY

I believe that I am the original, first and sole inventor (if only one name is listed below) or an original, first and joint inventor (if plural names are listed below) of the subject matter which is claimed and for which a patent is sought on the invention entitled:

ELECTROLYTIC GENERATION OF NITROGEN

[] is attached hereto

[x] was filed on 14 July 1999 as Application Serial No. 09/353,245

I acknowledge the duty to disclose information which is material to the examination of this application in accordance with Title 37, Code of Federal Regulations §1.56(a).

- (1) prior art cited in search reports of a foreign patent office in a counterpart application.
- (2) the closest information over which individuals associated with the filing or prosecution of a patent application believe any pending claim patentably defines, to make sure that any material information contained therein is disclosed to the Office.

(b) Under this section, information is material to patentability when it is not cumulative to information already of record or being made of record in the application, and

- (1) It establishes, by itself or in combination with other information, a *prima facie* case of unpatentability of a claim; or
- (2) It refutes, or is inconsistent with, a position the applicant takes in:
 - (i) Opposing an argument of unpatentability relied on by the Office, or
 - (ii) Asserting an argument of patentability.

I hereby claim foreign priority benefits under Title 35, United States Code §119 and/or §365 of any foreign application[s] for patent or inventor's certificate listed below and have also identified below any foreign application for patent or inventor's certificate filed by me or my assignee disclosing the subject matter claimed in this application and having a filing date (1) before that of the application on which priority is claimed, or (2) if no priority claimed, before the filing of this application:

Priority Claimed

2,243,219	Canada	14 July 1998	YES
[Number]	[Country]	[Day/Month/Year filed]	

I hereby claim the benefit under Title 35, United States Code, §120 of any United States application[s] listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States application in the manner provided by the first paragraph of Title 35, United States Code §112, I acknowledge the duty to disclose information which is material to patentability as defined in Title 37, Code of Federal Regulations §1.56(a) which became available between the filing date of the prior application and the national or PCT international filing date of this application:

[Application Serial No.]	[Filing Date]	[Status: patented, pending, abandoned]
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POWER OF ATTORNEY: As a named inventor, I hereby appoint as my attorneys and/or agents, with full powers of substitution and revocation, to prosecute this application and transact all business in the Patent and Trademark Office connected therewith:

James W. McClain, Reg. No. 24,536; Neil F. Martin, Reg. No. 23,088; John L. Haller, Reg. No. 27,795; Eleanor M. Musick, Reg. No. 35,623.

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The undersigned hereby further appoints the following agents and authorizes the U.S. attorney(s) or agent(s) named above to accept and follow instructions from the following agents: J. Christopher Robinson Reg. No. 35,772; John W. Knox, Reg. No. 35,776; Brian G. Kingwell, Reg. No.

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39,482; Neil S. Clark Reg. No. 37,524; and Michael J. Roman, Reg. No. 43,431 of the firm Smart & Biggar as to any action to be taken in the Patent and Trademark Office regarding this application.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that wilful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such wilful false statements may jeopardize the validity of the application or any patent issued thereon.

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